

EXHIBIT 2

Catherine Magone

Q. If at any time during the course of your deposition you want to add, change or otherwise supplement an earlier answer, you can do so. Let me know, okay?

A. Okay.

Q. Is there anything I've said so far that you do not understand?

A. No.

Q. Are you currently employed?

A. Yes.

Q. By whom?

A. Lawrence Hospital Center.

Q. In what capacity?

A. I'm the director of quality and case management.

Q. How long have you been director of quality and case management?

A. Eight years.

Q. Were you employed at Lawrence prior?

A. No.

Q. What is your educational background?

A. I have a master's in public

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Q. And Ms. O'Hare?

A. Yes.

Q. Did there come a time you were offered the position?

A. Yes.

Q. When?

A. The day after I interviewed with the COO and the VP for patient care.

Q. When did you come to learn what your duties and responsibilities were going to be?

A. Well, when I was interviewed, it was talked about with the medical director.

Q. What did the medical director say with respect to that in words or substance?

A. Well, that I would be responsible for quality and case management. We were just beginning a case management model at Lawrence at the time, so I was hired to put it together.

Q. What do you mean, about just beginning a case management model?

A. Well, previous to my coming to Lawrence, there were nurses that did utilization. And social work did the discharge

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planning, okay. So there was change in -- going to be changes in roles, that the nurses would be doing some discharge planning, so there was just changes in the model. The utilization nurses would be given additional responsibility.

Q. And did that impact a number of social workers that would remain employed at Lawrence, if you know?

A. The social workers were not reporting to me at that time.

Q. How many social workers were there at the time you first became employed?

A. I don't recall, actually. Probably four.

Q. I'm sorry?

A. Four, maybe. I'm not entirely sure, though.

Q. At the time you first became employed at Lawrence, who supervised the social workers?

A. There was a social work director.

Q. And that person is?

A. Barbara Clark.

Q. And is Ms. Clark still employed

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A. Probably late February.

Q. Was anyone present apart from you and Ms. Newmark for either of those interviews?

A. No.

Q. Do you recall the substance of your -- the first interview with Ms. Newmark?

A. The first interview that I had with Ms. Newmark was -- she expressed interest in coming back to Lawrence Hospital and taking on this position.

Q. Did she say why she was interested in the position?

A. She wasn't happy where she was working currently.

Q. What did she say with respect to that?

A. She said that she wasn't happy where she was working.

Q. Did you ever advise her during that first interview in words or substance that there was a new palliative care services unit that was in the process of being developed?

A. I don't recall if that happened on the first interview or the second interview.

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Q. But you do recall mentioning that?

A. That there was -- that --

Q. Let me finish. You do recall mentioning that in one of those interviews, is that right?

A. Mentioning what?

Q. The palliative care services unit that was going to be developed.

A. That it was on the horizons, yes.

Q. What did you say with respect to that?

A. That the hospital was planning on developing a palliative care program and that they would be hiring somebody in the future to spearhead the program.

Q. What is the palliative care program?

A. Palliative care program is a multi-disciplinary program where you would involve physicians, nursing, social work, case management, all working to physically make the patient more comfortable. It involved pain management. It could involve, you know, a lot of family dynamics, working with families to

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deal with dying, chronic illness.

Q. Who was developing that at the time?

A. Nobody.

Q. So is there a reason why you mentioned it to Ms. Newmark at either of those interviews?

A. Just to give her an idea of things that were coming down the pike in the department. There were other things that I talked about as well.

Q. Did she express an interest in being involved in the palliative care services unit?

A. I believe she did.

Q. When you say you believe she did, the basis is your memory, is that right?

A. Yes.

Q. She actually expressed it?

A. Yes.

Q. At the time of Ms. Newmark's interview, did you know that Ms. Jones was going to be leaving?

A. First interview? No.

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little bit until we got extra help on board, and the case managers had to take on some of the social worker's responsibility because obviously she couldn't handle a whole house.

Q. How many houses are there, so to speak, in the hospital that social workers would be responsible for?

A. well, the social worker is responsible -- they are not unit based; they are responsible by -- according to the type of patient. so it can vary from day to day what their caseload would be.

Q. what departments would that cover?

A. I don't know what you mean.

Q. For example, would social work cover ER?

A. They could. But case managers could also cover it. There is a lot of overlap in the role of a case manager and a social worker. Case managers can do the social work part in a hospital setting, but the social worker cannot do case management, because they are not registered nurses.

Q. With respect to Ms. Newmark being

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to what's been marked as Plaintiff's Exhibit 1 for identification. Can you take a look at that.

A. Yes.

Q. When you are done reviewing what is marked as Plaintiff's Exhibit 1 for identification, let me know, please.

A. I'm finished.

Q. Have you seen what is marked as Plaintiff's Exhibit 1 prior to today?

A. Yes.

Q. I'm going to direct your attention to the second page of Exhibit 1. Does that refresh your recollection as to how long Ms. Newmark had worked as an intern at Lawrence Hospital?

A. Yes.

Q. Going back to your interviews of Ms. Newmark, what in words or substance do you recall saying to her during the first interview?

A. I recall having concerns that she did not have recent hospital experience and that her primary experience was in an outpatient psychiatric setting which is very, very

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different from a hospital setting.

Also, that when she was a social worker here before, it was a very different time, very different model. So the way social work in hospitals is run now is very different from when she was last here. So I was concerned that she wouldn't be able to adapt.

Q. Did you express that to her?

A. Yes.

Q. Did you ever reduce that in writing anywhere --

A. No.

Q. -- your concerns?

A. No.

Q. What else do you recall saying to her during the interview, the first interview?

A. The first interview was rather short. It was really more of a getting to know you, getting -- gave her my resume. At the time I was still looking for other social workers.

Q. What do you recall saying at the interview apart from what you have already testified to?

A. Well, I would have explained to her

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Q. What was Ms. Gogliettino's position?

A. Vice-president human resources.

Q. Who replaced her?

A. I can't remember his name. I'm drawing a blank. He wasn't here long.

Q. Who replaced that person you are drawing a blank on?

A. Tom Mastroianni.

Q. And his position was VP of HR?

A. Correct.

Q. Is he still employed there?

A. Yes.

Q. Was there someone by the name of Pat Orsaia that worked at HR?

A. Yes.

Q. What was her position?

A. Director.

Q. Who to your knowledge did she directly report to?

A. She reported to Deb.

Q. How old are you?

A. Me? 54.

Q. What are your duties and

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A. I would discard them.

Q. When?

A. I don't recall.

Q. Before or after Ms. Newmark was no longer employed at Lawrence?

A. Oh, before.

Q. What in words or substance did you say during the second interview?

A. During the second interview, I explained to Carole my concerns about her lack of experience. I described what the role of a social worker in the case management model would be. We talked about some of the things that were coming down the pike that would need to be taken care of; one of them being a disaster mental health training program that she would need to go to training for. We also spoke about the palliative care program.

Q. The --

A. Palliative care program that was on the horizon, because I was very excited about that.

Q. What in words or substance did you say about the program?

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A. Just that it was something that was coming about, that it was going to be a multi-disciplinary approach to chronic and -- chronic illness and also dying patients.

Q. Did she express again an interest in that?

A. She did.

Q. What did she say in words or substance?

A. I'd be interested in doing something like that.

Q. Did there come a time she was hired?

A. Yes.

Q. Was there anyone else interviewed apart from Ms. Newmark with respect to the position?

A. I don't recall.

Q. As you sit here today, do you recall seeing any resumes or anything of that nature --

A. Yes.

Q. Hold on.

-- with respect to that position?

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A. Yes.

Q. Do you know how you came to receive those resumes?

A. Through human resources.

Q. Do you know whether it was in response to any advertisements or anything of that nature?

A. I don't know.

Q. Did you interview any of the people that -- whose resumes you saw in connection with the social work position?

A. I don't believe so.

Q. So she is the only one you interviewed?

A. I believe so.

Q. And this is despite the fact that you were concerned about her lack of experience, is that right?

A. (No response.)

Q. You said lack of experience in the case management program?

A. Yes. However, Carole showed willingness to learn.

Q. And you -- she was the only person

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you interviewed despite the various concerns you testified to earlier, is that right?

A. There were no other candidates out there that were suitable.

Q. She was the only suitable candidate?

A. At that time.

Q. Did you ever seek to locate any other candidates that were more suitable than Ms. Newmark?

MR. KEIL: Do you want to clarify that as to time frame?

Q. At that time when she wasn't hired yet, she said she had these concerns, and yet this is the only person she interviewed. So I wondered did you seek to look for any other qualified candidates?

A. Yes.

Q. Did you make any postings or advertise --

A. I believe so.

Q. Hold on, hold on.

-- in connection with the position of social worker?

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1
2 did anyone ever communicate to you that
3 employees at the hospital had communicated their
4 concerns about you to them?

5 A. No.

6 Q. Did anyone in HR ever speak to you
7 about the fact that employees had complained
8 about you?

9 A. No.

10 Q. Apart from communicating with
11 Ms. Galloway concerning Ms. Newmark prior to an
12 offer being extended to Ms. Newmark, did you
13 ever seek to ascertain any of Ms. Newmark's
14 references and call them?

15 A. No. Human resources checks
16 references.

17 Q. Did you ever communicate with
18 anyone at the hospital apart from Ms. Galloway
19 in connection with their previous working
20 relationship with Ms. Newmark?

21 A. No.

22 Q. Did there come a time that the
23 palliative care program was actually established
24 or developed?

25 A. well, somebody was hired. That

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would have been --

Q. When was that person hired?

A. The end of May.

Q. And was that position created?

A. Yes.

Q. What was the position?

A. It's a nurse practitioner.

Q. Was there a specific title apart from nurse practitioner?

A. I believe her title is nurse practitioner for the palliative care program.

Q. And she -- you said she specifically was hired for this program, is that right?

A. That's correct.

Q. Who interviewed her?

A. I wasn't privy to that information. I could assume who interviewed her.

Q. Did you interview her?

A. No, no.

Q. Apart from your assumption, you don't know who interviewed her?

A. No, I was never told.

Q. You didn't participate in her hire

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or anything of that nature?

A. No, no.

Q. And this person is who?

A. Maura Del Bene.

Q. To your knowledge, what was Ms. Del Bene's background prior to her being hired in May of 2006?

A. She is -- her background, I believe, was psychiatric nurse practitioner.

Q. To your knowledge, did she have any experience in the palliative care program elsewhere?

A. I believe so, but I'm not -- I never saw her resume.

Q. And the basis of your belief is what?

A. That she came with an incredible amount of knowledge regarding palliative care, so I'm assuming that she did have.

Q. Apart from your assumption, you don't know what her experience was?

A. No.

Q. Again, I don't want you to assume or guess or anything like that. If you --

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assigning a social worker in the palliative care program.

A. I don't believe it ever came up.

Q. Was there a time that another social worker was hired after Ms. Newmark was?

A. Yes.

Q. And that person is who?

A. Nicole Serra.

Q. Who recommended Ms. Serra?

A. Ms. Newmark.

Q. When was Ms. Serra hired?

A. I believe it was May. It may have been the end of April.

Q. Was anyone else interviewed apart from Ms. Serra?

A. No.

Q. Did she have any case management --

A. No.

Q. -- experience? Hold on. I'm not finished. I'll withdraw that portion and ask the question again.

Did she have any case management experience?

A. No.

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to taking the case.

Q. You indicated that the social workers get referrals in a number of ways. You just listed two. I just want to make sure those are the only two ways. You said referrals through case managers and referrals through physicians.

A. Correct.

Q. Any other ways?

A. So nursing can refer as well.

Q. When you say nursing, in all departments or specific departments?

A. All departments.

Q. Any other ways in which social workers get referrals?

A. You can get referrals from the emergency room.

Q. Any other ways?

A. No.

Q. In order -- is there a way in which a social worker determines whose referral to respond to first if there is a number of referrals from the different areas?

A. They would be expected to

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prioritize.

Q. Meaning what, prioritize as to seriousness?

A. Prioritizing to the work, seriousness, type of referral. For instance, if it was a psychiatric referral, you would want to see that patient first unless they were in a coma in the unit.

Q. Is that set forth anywhere in writing in terms of how social workers should prioritize with different referrals?

A. No. It would be my expectation that as a social worker you should be able to do that on your own.

Q. But what I'm saying, apart from your expectations, is this prioritizing set forth anywhere in writing?

A. Prioritizing, no.

Q. In other words, there is no you take the physician's referral above the nurse's referrals and so forth and so on?

A. No.

Q. Did there come a time that you communicated with Ms. Magone concerning the

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palliative care unit?

MR. KEIL: Object as to
form. The witness is Ms. Magone.

MS. NICAJ: I'm sorry. I
apologize.

Q. Did you ever communicate with
Ms. Newmark concerning the palliative care unit
when she became employed there?

A. There is no palliative care unit.

Q. Care service.

A. Care service, correct. I
communicated with Ms. Newmark when the decision
was made for who was going to travel out to Ohio
for a site visit.

Q. Prior to that communication, did
you ever communicate with her as to who was
going to be assigned to the palliative care
service?

A. No.

Q. When you say who is going to be
assigned to go to travel to Ohio, what was that
about?

A. I was approached by the nurse
practitioner, Maura Del Bene, and we talked

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about there was going to be a site visit.

Q. A site visit?

A. A site visit of a hospital that had currently had a palliative care program. And that the vice-president for patient care would be attending, Maura would be attending, and we needed to assign a social worker to attend.

Q. Why did you need to assign a social worker to attend?

A. Because that's part of a team.

Q. Just to attend, not to be part of the palliative care service?

A. Well, no one social worker would be assigned necessarily to the palliative care service. Both social workers would be involved in palliative care, but only one person could go out there for the site visit.

Q. Did you communicate this to Ms. Newmark?

A. When I made my decision.

Q. And the decision was what?

A. To appoint Nicole Serra.

Q. Did you have more than one communication with Ms. Newmark concerning this?

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A. No.

Q. Was this communication by telephone, in person or in some other manner?

A. In person.

Q. where?

A. In my office.

Q. Was this a prearranged meeting?

A. No.

Q. How did -- to your knowledge, did Ms. Newmark know to come to your office?

A. I called her.

Q. You called her and said what?

A. Would you please come to my office.

Q. Did you say anything else?

A. On the telephone? No.

Q. What then happened?

A. She came to my office.

Q. And then what?

A. And I told her that the decision had been made based on input from Maura Del Bene and Roseanne O'Hare.

Q. Whose ultimate decision was it?

A. The decision was ultimately mine. But the information that I received from Maura

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Del Bene greatly affected my decision.

Q. What did you say to Ms. Newmark?

A. I told her that we had made the decision to appoint Nicole Serra to the palliative -- to attend the palliative care program out in Ohio. I told her that I felt that Nicole being young in her career, that it would be a good opportunity for her to have something of her own. I also expressed that Carole would be very busy working on the mental health disaster training program that she had attended two months prior and still had not taken any initiative to get the program moving.

Q. Was there anything in writing as to when she needed to do that by?

A. There was timelines related to that and just recently before that we had some communications saying that the timelines would be set out. I don't know what those set timelines are, though. They had to be done within a year.

Q. Were they ever reduced in writing to her by you?

A. It was not me. She went to the

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for the production of that communication.

A. I don't know if I have it still.

MR. KEIL: I'll take it

under advisement.

-DOCUMENT/DATA REQUESTED: Communication
concerning 2006 timeline for disaster training
plan.

Q. What was that communication again?
What exactly did you receive?

A. It is a -- it was a new regulation.
I don't recall exactly what the regulation is,
but it was communicated to me by a
vice-president that it needed to be done.

Q. In writing?

A. E-mail.

Q. And the vice-president whose name
is what?

A. James Keogh.

Q. Can you spell it?

A. K E O G H.

Q. When did Ms. Newmark go to the
disaster training, mental health disaster
training?

A. June.

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Q. How long was this disaster training?

A. Two days.

Q. Where?

A. I don't recall.

Q. Who else attended if you know from the hospital?

A. A per diem nurse.

Q. And that nurse's name is?

A. I don't know her name.

Q. Did the nurse have any duties and responsibilities in connection with this mental health disaster program?

A. They were supposed to be doing it collaboratively.

Q. Did you ever communicate with the nurse --

A. No.

Q. -- concerning this?

A. Did I communicate with the nurse?

Q. Yes.

A. No. I communicated with her supervisor.

Q. Did you ever communicate with the

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A. That means she is not a full-time employee.

Q. Do you know how many hours she devoted to the hospital?

A. I don't know.

Q. Do you know whether she worked there every other week, once a month? Do you know what the arrangement was with that per diem nurse?

A. I do not know.

Q. Did you ever seek to ascertain that from Ms. Enright?

A. I just knew that she was per diem.

Q. Did you ever seek to ascertain that from Ms. Enright whether how many hours that nurse devoted to Lawrence?

A. No.

Q. Did you ever discuss with Ms. Enright the disaster program that you sent Ms. Newmark to?

A. Yes.

Q. Did you ever reduce your communications to her in writing?

A. No.

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2 Q. When in June was it, in the end,
3 the beginning, middle?

4 A. I believe the end.

5 Q. The end of June? Did you have an
6 understanding what Ms. Newmark was required to
7 do in connection with the training?

8 A. It was to train the trainer.

9 Q. What does that mean? I'm sorry.

10 A. Well, you get the training and then
11 you train other people to assist with the
12 training.

13 Q. Which other people was she -- was
14 Ms. Newmark expected to train?

15 A. That hadn't even been discussed.

16 Q. Did Ms. Enright ever communicate
17 with you as to the number of times that per diem
18 nurse --

19 A. No.

20 Q. -- tried to contact Ms. Newmark?

21 A. I just know it was more than once.

22 Q. Do you know how many times?

23 A. No.

24 Q. You indicated you only learned of
25 this after Ms. Newmark left, is that right?

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of this date.)

Q. I'm going to show you what's been marked Plaintiff's Exhibit 2 for identification. Do you recognize that document?

A. Sure.

Q. What do you recognize it to be?

A. A note to my file.

Q. The first sentence, the first full sentence, of that document there is a date of 8/15/06: "I met with Carole Newmark today to inform her of my decision to appoint Nicole Serra the social worker for the palliative care service." Do you see that?

A. Mm-hmm.

Q. Do you want to change your earlier response?

A. Yes.

Q. And how would you like to change that?

A. All right. I told Carole that I was going to appoint Nicole to the palliative care service.

Q. So when you testified before it was not true, is that right?